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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,037	03/19/2004	Marcel Bibeau	000817-00014	7063

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,037

Applicant(s)

BIBEAU, MARCEL

Examiner

Greg Blankenship

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-116 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “longsills” “mounted in adjacent position with respect to each other in the middle of the floor instead of being spaced apart under the same” and made of “one single piece having a W-shape” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 appears to be misleading since the phrase “the two longsills are mounted in adjacent position with respect to each other in the middle of the floor instead of being spaced apart under the same” implies that there is no space or gap between the longsills at the location where they are joined to the floor. The applicant’s figures, figures 4 and 5 in particular, show a space or gap between the longsills at the location where they join the floor.

Claims 7-9 are not clearly understood since it isn’t clear if “them” refers to the “side walls” or the “upper edges”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, 6, 7, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler (5,662,374).

Wheeler discloses a dump body (10) having a floor (18), sidewalls, a front wall (16) and a rear door (68). It is disclosed that the floor (18) may be made of two sheets of metal (84,86) that

Art Unit: 3612

are welded along their seem, Column 3, lines 27-30. The ends (28,30) of the floor form part of the sidewalls (12,14). The floor (18) is support by long sills (20) that are rigidly attached to the floor (18) by welding. The long sills (20) are adjacent to each other and form a W-shape with square angles. The upper edges of the sidewalls (12,14) have reinforcements (56) welded to them. The floor (18) has a round shape, as broadly claimed, and will become more round with use.

6. Claims 1, 2, 4-8, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (5,454,620).

Hill et al. disclose a dump body (10) with a round floor (17), sidewalls (20,21), a front wall, a rear door, and longsills (26,27). The longsills are shown as two distinct pieces, but it is also disclosed that they may be made as one single piece. Both variants of longsills have a W-shape with square angles. The longsills are welded to the floor (17). In reference to claims 7 and 8, the sidewalls have upper edges with V-shaped angular portions (22,23) that face one another. In reference to claims 12 and 13, V-shaped members (22,23) are welded onto both the external and internal sections of the upper edge of the sidewalls (20,21).

7. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Acker (3,844,616). Acker discloses a dump body (10) that has a floor and two sidewalls (14,15). The sidewalls (14,15) have upper edges with V-shaped angular portions that face each other. V-shaped angular portions are connected to the external side of the sidewall upper edges to form rail (20).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (5,454,620).

Hill et al. does not disclose the claimed shape.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the longills of Hill et al. have round angles to maintain strength while decreasing the amount of material used in construction.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (5,454,620) in view of Rogers (5,480,214).

Hill et al. do not disclose V-shaped pieces welded externally onto the formed upper edges.

Rogers teaches welding a V-shaped piece (138) to the upper edge of a dump body sidewall (40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to weld V-shaped pieces to the upper edge of the dump body sidewalls of Hill et al., as taught by Rogers, to strengthen the sidewalls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.


Art Unit: 3612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab

June 6, 2005


GREGORY BLANKENSHIP
PATENT EXAMINER